



PATENT
ATTORNEY DOCKET: 46884-5466

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Hiroya KOBAYASHI et al.) Confirmation No.: 9353
Application No.: 10/573,469) Group Art Unit: 2814
Filed: January 19, 2007) Examiner: Theresa T. Doan
For: SEMICONDUCTOR DEVICE)

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop Amendment
Alexandria, VA 22314

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the document listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe that a fee is due for filing this paper.

A U.S. Office Action dated June 19, 2008 that issued in a related U.S. patent application no. 10/573,467 and having documents cited therein is attached for the Examiner's consideration.

While the U.S. Office Action dated June 19, 2008 additionally cites to U.S. Patent Application Laid-Open No. US2002/0020859 and U.S. Patent No. US5918113, these documents

are not listed on the attached PTO Form 1449 because they were previously cited in an Information Disclosure Statement in this application on February 1, 2008.

The relevance of the attached foreign language document can be understood from the attached English-language abstract, and/or from the citation of the document in the attached U.S. Office Action dated June 19, 2008.

Applicants respectfully request that the Examiner consider the listed document and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitutes "prior art." If it should be determined that the listed document does not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this Application, including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required and

including any required extension of time fees, *or* credit any overpayment to Deposit Account No.

50-0573. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR**

EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

DRINKER, BIDDLE & REATH LLP

Dated: July 15, 2008

By:



Paul A. Fournier

Registration No. 41,023

CUSTOMER NO. 055694

DRINKER, BIDDLE & REATH LLP

1500 K Street, N.W., Suite 1100

Washington, D.C. 20005-1209

Tel: (202) 842-8800

Fax: (202) 842-8465